

APRIL 18, 2005

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, that the following item is received, filed and referred to the GOVERNMENT AFFAIRS COMMITTEE.
 - a. COMM. 10M-6 (2005)
DAVE CORDERO: E-Mail sent to Legislators Re: Deputy Parks Commissioners (6-0)
- 2. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 26E-12 (2004)
COUNTY EXECUTIVE: ECSD No. 1 - Eminent Domain Proceeding - Mineral Springs Road Flow Chamber & Control Building Installation Contract (6-0)
 - b. COMM. 8E-1 (2005)
COMPTROLLER: Certificate of Determination By The Comptroller Relative To The Terms, Form, And Details of Sale And Issuance of \$3,435,784 EFC Sewer System Serial Bonds (6-0)
 - c. COMM. 8E-45 (2005)
COUNTY EXECUTIVE: ECSD No. 4 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-2, Legislative Comm. 21E-33 (6-0)
 - d. COMM. 8E-51 (2005)
COUNTY EXECUTIVE: ECSD No. 4 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-3, Legislative Comm. 21E-33 (6-0)
 - e. COMM. 8E-53 (2005)
COUNTY EXECUTIVE: ECSD No. 1 - Engineering Service Agreements - Work Order: URS-2, Legislative Comm. 21E-33 (6-0)
 - f. COMM. 8E-54 (2005)

COUNTY EXECUTIVE: ECSD No. 1 - Engineering Services Agreements - Work Order: URS-1, Legislative Comm. 21E-33 (6-0)

- g. COMM. 8E-55 (2005)
COUNTY EXECUTIVE ECSD No. 5 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-1, Legislative Comm. 21E-33 (6-0)
- h. COMM. 8E-58 (2005)
COUNTY EXECUTIVE: ECSD No. 1 - Interdepartmental Agreement Between DPW & DEP - Closeout (6-0)
- i. COMM. 8E-59 (2005)
COUNTY EXECUTIVE: ECSD No. 6 & Southtowns Sewage Treatment Agency - Engineer Term Agreement - Work Order: GPI-4, Legislative Comm. 21E-33 (6-0)
- j. COMM. 8D-12 (2005)
DEP: SEQR - Solicitation for Lead Agency Status - Utica and Quebec Streets, West Taft Avenue, & Pt. Breeze Dr. - Town of Evans (6-0)
- k. COMM. 8D-31 (2005)
DEP: SEQR - Negative Declaration - Evans Town Park to EC Bennett Beach Park (6-0)
- l. COMM. 8M-8 (2005)
ERIE CANAL HARBOR PROJECT: SEQR Findings Statement (6-0)
- m. COMM. 8M-29 (2005)
TOWN OF ELMA: Letter to Legislator Marinelli Re: Meadows Park & Public Golf Course (6-0)
- n. COMM. 9M-5 (2005)
CITY OF BUFFALO COMMON COUNCIL: Seeking Comments And/Or Recommendations on Common Affairs Council Item "Special Events Permits" (6-0)

- o. COMM. 9M-8 (2005)
TOWN OF ELMA: Certified Resolution Re: Elma Meadows (6-0)
- P. COMM. 10E-42 (2005)
COUNTY EXECUTIVE: ECSD No. 6 - Engineer Term Agreement - Work Order: DA-1 (6-0)
- q. COMM. 10D-5 (2005)
DEP: SEQR - Solicitation for Lead Agency Status - Rush Creek Interceptor & Elimination of Pumping Stations & Blasdell Wastewater Treatment Plant (6-0)
- r. COMM. 10M-15 (2005)
NYS ENVIRONMENTAL FACILITIES CORPORATION: Summer Pool Conference Call Notice (6-0)
- s. COMM. 10M-20 (2005)
NYSDEC: Fact Sheet: Urban Brownfields - Site Investigation of Six Lots on Ridge Rd. in Lackawanna (6-0)
- t. COMM. 10M-22 (2005)
ECWA: Audited Financial Statements for Year Ending 12/31/04 (6-0)
- 3a. COMM. 23E-30
COUNTY EXECUTIVE

AS AMENDED

RESOLUTION NO. ____-2005

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 6 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2005.
(Adopted) _____, 2005.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 6 of the County of Erie, New York, has heretofore been established and

WHEREAS, the Board of Managers of Erie County Sewer District No. 6 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of Erie County Sewer District No. 6 on January 18, 2005 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction of approximately 422,400 linear feet of sanitary sewer; the reconstruction of approximately 248,160 linear feet of storm sewer; the construction of various improvements to pumping stations; and the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary to develop the plan to discharge to the Buffalo Sewer Authority, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,000,000, to be assessed against a benefited area which consists of the entire area of said Sewer District No. 6; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$6.28; and

WHEREAS, said County Legislature duly adopted Resolution 43 on March 14, 2005, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on April 7, 2005, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 6, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$4,000,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,000,000, to be assessed against a benefited area which consists of the entire area of said Sewer District No. 6.

Section 3. This resolution shall take effect immediately.

(6-0)

3b. COMM. 23E-30 AS AMENDED
COUNTY EXECUTIVE
RESOLUTION NO.

RESOLUTION DATED _____, 2005

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE, NEW YORK

(Introduced) _____, 2005.
(Adopted) _____, 2005.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 2 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated February 17, 2005, which has also been filed with said County Legislature on January 14, 2005; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 2 in said County, consisting

of the replacement of variable frequency drives at various pumping stations, and the replacement of equipment and additional reconstruction of the Big Sister Treatment Plant and sewer rehabilitation, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$480,000, to be assessed against a benefited area which consists of the entire area of the District; and

WHEREAS, said County Legislature duly adopted Resolution 44 on the 14th day of March, 2005, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 7th day of April, 2005, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE
COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County Sewer District No. 2 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$480,000.

Section 2. The cost of the proposed modification expenditure is to be assessed against a benefited area which consists of the entire area of the District, and all such real property to be so assessed will be benefited by the proposed modification and no benefited property has been excluded.

Section 3. This resolution shall take effect immediately.

(6-0)

3c. COMM. 23E-30 AS AMENDED
COUNTY EXECUTIVE

RESOLUTION NO.

RESOLUTION DATED _____, 2005

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY-SOUTHTOWNS SEWER TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK

(Introduced) _____, 2005.
(Adopted) _____, 2005.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer Southtowns Sewer Treatment Agency which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated January 27, 2005, which has also been filed with said County Legislature on January 14, 2005; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County-Southtowns Sewer Treatment Agency in said County, consisting of the reconstruction of the Milestrip Pumping Station to pump directly to the Agency’s Overflow Retention Facility and the discharging of dry weather flows from the Blasdell Plant directly into the Northeast Interceptor, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$9,100,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, said County Legislature duly adopted Resolution 45 on the 14th day of March, 2005, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider

said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 7th day of April, 2005, at 1:30 o’clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County-Southtowns Sewer Treatment Agency in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$9,100,000.

Section 2. The cost of the proposed modification expenditure is to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, and (v) the Village of Hamburg, and (vi) the Village of Blasdell, each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement, and all such real property to be so assessed will be benefited by the proposed modification and no benefited property has been excluded.

Section 3. This resolution shall take effect immediately.

(6-0)

4. COMM. 1E-11 (2005)
COUNTY EXECUTIVE

WHEREAS, the Town of Cheektowaga desires to lease the buffer property that surrounds the Erie County Sewer District No. 1 Overflow Retention Facility on Cayuga Creek Road for passive recreation and open space preservation, and

WHEREAS, the Erie County Sewer District No. 1 buffer property of approximately 55 acres has been previously leased by the Town of Cheektowaga since 1996 but the original lease is expiring, and

WHEREAS, Erie County Sewer District No. 1 is agreeable to lease the buffer property, reserving exclusive use by the County for the existing Overflow Retention Facility, an area for possible future expansion of the Overflow Retention Facility and an area for a proposed Walleye Fish Restocking Pond, along with access thereto.

NOW, THEREFORE, BE IT,

RESOLVED, that a five year lease with a five year renewal clause is approved for properties known as SBL Nos. 113.19-2-7, 113.19-2-8, 113.19-2-9, 113.19-2-12, 113.19-2-13.2 and 124.00-5-29, reserving land needed for the ORF and possible future ORF expansion, the future Walleye Restocking Pond and appurtenant sewer lines, utility lines, and sewer outfall lines, such land to be leased to the Town of Cheektowaga to provide open, green space for the residents of the Town of Cheektowaga and a storm drain outlet for an annual rent of \$500 plus the cost of any special assessments on the demised parcels, and be it further

RESOLVED, that the County Executive is authorized to sign such Lease Agreement subject to the County Attorney’s approval, and be it further

RESOLVED, that certified copies of this resolution be sent to the Cheektowaga Town Board; Joel A. Giambra, County Executive; Laurence K. Rubin, Commissioner of the Department of Environment and Planning; Charles J. Alessi, P.E., Deputy Commissioner of the Department of Sewerage Management; Nancy A. Naples, County Comptroller and Gregory Dudek, Assistant County Attorney.

(6-0)

5. COMM. 8E-14 (2005)
 COUNTY EXECUTIVE
 WHEREAS, the Erie County Legislature had awarded Contract No. 31SA to C. Destro Development Co., Inc. for the Erie County Sewer District No. 6 Bethlehem Park Rehabilitation, Phase 1; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning recommends the acceptance of Contract No. 31SA in the final contract amount of \$650,322.15 which includes Change Order No. 4 (final), an increase of \$25,058.45, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 31SA between the County of Erie and C. Destro Development Co., Inc., 2255 Bailey Avenue, Buffalo, New York 14211 is accepted in the amount of \$650,322.15, which includes Change Order No. 4(final), an increase of \$25,058.45, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 31SA between the County of Erie and C. Destro Development Co., Inc. in the amount of \$650,322.15 and release all retention and make final payment from Erie County Sewer District No. 6 Bond Account C.00001 (430-111); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

(6-0)

6. COMM. 8E-15 (2005)
 COUNTY EXECUTIVE
 WHEREAS, the Town of Amherst and the County have existing sanitary sewer agreements in place between the parties; and

WHEREAS, the existing agreements do not include the latest federal and state regulatory provisions; and

WHEREAS, the billing and development process that has evolved over time and as a result of the various agreements is ambiguous and convoluted; and

WHEREAS, the parties have identified the need to develop an amended agreement to address the shortcomings that exist in the existing agreements between the parties.

NOW, THEREFORE, BE IT

RESOLVED, that the execution of an amended intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 5, and the Town of Amherst for the purpose of sanitary sewer service, be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said amended agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Susan Grelick, Supervisor, Town of Amherst.

(6-0)

7. COMM. 8E-16 (2005)
COUNTY EXECUTIVE
WHEREAS, the Village of Hamburg has requested Erie County Sewer District No. 3 to assume ownership, operation and maintenance of the Village's sanitary sewer system; and

WHEREAS, an intermunicipal agreement was executed between the parties to effectuate the transfer of ownership and operation of the Village of Hamburg's sewerage system to the County and Erie County Sewer District No. 3; and

WHEREAS, the parties have identified the need to amend the agreement to streamline the process of raising revenue from the ratepayers within the Village.

NOW, THEREFORE, BE IT

RESOLVED, that the execution of an amended intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of Hamburg for the purpose of sanitary sewer service, be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said amended agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and

Planning; and one copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Curt S. Hermann, Mayor, Village of Hamburg.

(6-0)

8. COMM. 8E-17 (2005)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide services for the Variable Speed Drive Replacement Program in County Sewer Districts and the Southtowns Sewage Treatment Facility; and

WHEREAS, the Department of Environment and Planning has recommended the firm of O'Brien & Gere Engineers, Inc., 5500 Main Street, Suite 301, Williamsville, New York 14221; and

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of O'Brien & Gere Engineers, Inc. be retained at a cost not to exceed \$234,406.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of O'Brien & Gere Engineers, Inc., 5500 Main Street, Suite 301, Williamsville, New York 14221, to provide the needed engineering services subject to approval as to form by the County Attorney's Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate a total of \$234,406.00 for the Agreement with \$77,978.02 for ECSD #2 from Sewer Capital Account C.00028 (430-533), \$41,282.97 for ECSD #4 from Sewer Capital Account C.00030 (430-535), \$17,380.89 for ECSD #6 from Sewer Capital Account C. 00037 (430-914), and \$97,764.12 from the Southtowns Sewage Treatment Agency from the Sewer Capital Account C.00038 (430-915) as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Joel A. Giambra, County Executive, Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance.

(6-0)

9. COMM. 10E-34 (2005)
COUNTY EXECUTIVE
WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, the U. S. Environmental Protection Agency (EPA) has identified Erie County as high risk for radon potential; and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Program since 1993 and has acquired valuable experience and expertise; and

WHEREAS, the National Association of Counties (NACo) has awarded Erie County a grant in the amount of \$2,000 to perform radon awareness activities for the citizens of Erie County.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to accept grant funding in the amount of \$2,000 from the National Association of Counties (NACo) for radon outreach and education activities, and be it further

RESOLVED, that the budget for the 2005 NACo Indoor Air Quality Coalition and Model County Grant Program is hereby established as follows:

REVENUES:

Account	Description	
479100	<u>Other Sponsor Revenue (NACo)</u>	\$2,000
		\$2,000
<i>Total</i>		

APPROPRIATIONS:

Account	Description	
516020	<u>Professional Services Dues/Fees</u>	\$1,250

505800	<u>Supplies (Medical and Health)</u>	<u>750</u>
		\$2,000

Total

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(6-0)

10. COMM. 10E-35 (2005)
COUNTY EXECUTIVE
WHEREAS, the United States Surgeon General has identified radon gas to be the second leading cause of lung cancer in the United States; and

WHEREAS, Erie County has successfully established and operated a Radon/Indoor Air Quality Program since 1993 and has acquired valuable experience and expertise; and

WHEREAS, the New York State Association of Counties (NYSAC) would like to partner with the Erie County Department of Environment and Planning (DEP) to provide a Radon Outreach Program; and

WHEREAS, the National Association of Counties (NACo) has awarded Erie County a grant in the amount of \$10,000 to partner with NYSAC to provide program, project, and organizational information for use by other interested New York State counties.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to accept grant funding in the amount of \$10,000 from the National Association of Counties (NACo) for radon outreach and education activities, and be it further

RESOLVED, that the budget for the National Association of Counties/New York State Association of Counties Indoor Air Quality Program is hereby established as follows:

REVENUES:

Account	Description	
479100	Other Sponsor Revenue (NACo)	\$10,000
		\$10,000
<i>Total</i>		
APPROPRIATIONS:		
Account	Description	
500000	Personnel	\$3,500
502000	Fringe	1,500
510100	Out-of-Area Travel	2,000
561410	Equipment (Lab and Tech)	1,000
505800	Supplies (Medical and Health)	<u>2,000</u>
		\$10,000
<i>Total</i>		
and be it further		
RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.		
(6-0)		
11.	COMM. 10E-43 (2005) COUNTY EXECUTIVE	
WHEREAS, the Division of Sewerage Management has requested the deletion of one Chief Account Clerk, JG7 and the creation of one Sr. Account Clerk, JG 6; and		

WHEREAS, the position adjustments are reflected on the B-100 position authorization Form 506 in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the deletion of one Chief Account Clerk, JG7 and creation of one Sr. Account Clerk, JG6 in the Division of Sewerage Management is hereby approved; and be it further

RESOLVED, that the funding for the position adjustments is available in unexpected salaries in the Division of Sewerage Management 2005 Budget; and be it further

RESOLVED, that certified copies of the approved resolution is sent to Joel A. Giambra, County Executive, Charles J. Alessi, Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.

(6-0)

12. COMM. 10E-44 (2005)
COUNTY EXECUTIVE

WHEREAS, corrections are needed in various SAP Accounts in each of the Sewer District Cost Centers due to incorrect placement in the 2005 Budget; and

WHEREAS, these item must be corrected and assigned to the proper account that aligns with the correct material grouping to enable access for purchase and various payment processing in the 2005 Budget Year.

NOW, THEREFORE, BE IT

RESOLVED, that the following amount be transferred to from each respective account into their proper SAP account in each Sewer District Cost Center as follows:

<u>Cost Center</u>	<u>Amount</u>	<u>From G/L Account</u>	<u>To G/L Account</u>
1811010	\$80,000	561430	561410
1821010	100,000	561430	561410
	11,000	561420	561410
	22,600	570040	516020

1831010	70,000	561430	561410
	85,500	570040	516020
1861010	50,000	561430	561410

as well as any adjustments that may be needed in the ID SAP Accounts in the County General Fund 110 and/or Debt Service Fund 310; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Director of Budget and Management and the Erie County Comptroller.

(6-0)

13. COMM. 10E-45 (2005)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works and Erie County Department of Environment and Planning has consolidated the resurfacing of French Road and the Sanitary Sewer improvements along French Road in the Town of Cheektowaga, bid under Project MF-01-03, in an interdepartmental joint agreement dated November 13, 2003 to alleviate inconvenience to the public and reduce costs to rate payers and,

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of the interdepartmental joint agreement in the final amount of \$234,699.10 which includes Change Order No. 1 (final), a decrease of \$38,966.50, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that the interdepartmental joint agreement between the Department of Public Works and the Department of Environment and Planning for the French Road Sanitary Sewer Improvements be formally closed out in the final amount of \$234,699.10, which includes Change Order No. 1 (final), a decrease of \$38,966.50, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the interdepartmental joint agreement between the Department of Environment and Planning and the Department of Public Works in the amount of \$234,699.10 and release all retention and make final payment to Diamond “D” Construction Corp. for the sewer portion of Erie County Department of Public Works Project MF-01-03 from Erie County Sewer District No. 1 Bond Account C.00032 (430-694); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to Nancy Naples, Comptroller; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning.

(6-0)

14. COMM. 10E-46
COUNTY EXECUTIVE

WHEREAS, the Town of Hamburg has requested Erie County Sewer District No. 3 provide service to the southwest sector of the Highland Acres Sewer District; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers has approved their request; and

WHEREAS, an intermunicipal agreement is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Town of Hamburg for the purpose of providing sewer service to the Town of Hamburg’s southwest corner of their Highland Acres Sewer District be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive, Joel Giambra; two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Patrick H. Hoak, Supervisor, Town of Hamburg.

(6-0)

15. COMM. 10E-48
COUNTY EXECUTIVE

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

WHEREAS, Erie County HOME Consortium has been awarded a grant of \$1,243,449 for fiscal year 2004 by the U. S. Department of Housing and Urban Development under HOME; and

WHEREAS, a minimum of fifteen percent of funds made available pursuant to the HOME Investment Partnership Act are to be provided to eligible Community Housing Development Organizations (CHDOs),

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with People Community Housing Development Corporation (People) to develop Birchfield Manor in the Town of West Seneca; and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not exceed \$220,000 to People; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

- 1. Completion of all state and federal environmental review requirements relative to the housing projects.
- 2. Completion of all necessary subsidy layering analysis as required by the federal Department of Housing and Urban Development; and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget, Management, and Finance; the County Comptroller; and the Commissioner of the Department of Environment and Planning.

ATTACHMENT A

NAME OF PROJECT: HOME/Community Housing Development Organizations
(CHDO) Funding for Program Years 2004 and 2005

SKILL REQUIRED: Funds Available Only to Qualified CHDOs as Required by HUD

COMMITTEE MEMBERS PROJECT RANKING:

People Community Housing Development Corporation	Committee Members
Approved	Thomas J. Dearing, Community Planning Coordinator Erie County Dept. of Environment & Planning
Approved	Christopher Hull, Director of Community Development Town of Hamburg
Approved	Louisa Frazier Merritt, Housing Director Buffalo Urban League
Approved	Bradley Dossinger, CRA, Regional Officer M & T Bank

Two CHDOs responded to the request for proposals. The second CHDO that responded withdrew their proposal after the review process.

In my opinion in recommending People Community Housing Development Corporation to develop housing for senior citizens in the Town of West Seneca, the Department of Environment and Planning (DEP) has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code.

Scoring sheets and other material related to this matter are available for review at the DEP offices during regular business hours.

LAURENCE K. RUBIN, Commissioner

Department of Environment and Planning

(6-0)

16. COMM. 10E-51 (2005)
 COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management has requested revision to the 2005 Budget to transfer funds in the total amount of \$55,200 from the ID-Highways Account 912300 to Maintenance and Repair Accounts, 506200; and

WHEREAS, it is necessary to transfer said amounts as outlined below in each of the Sewer Districts to allow the Sewer Districts and the Southtowns Sewage Treatment Agency to access the proper account for needed Maintenance and Repair items of Sewer District vehicles.

NOW, THEREFORE, BE IT

RESOLVED, that 2005 budget revisions be made to transfer each of the following budgeted amounts in the 2005 Budget from SAP Account 912300 – ID Highways to SAP Account 506200, Maintenance and Repair:

<u>Fund</u>	<u>Cost Center</u>	<u>Amt. To be transferred from 912300 to 506200</u>
220	1811010	\$26,000
220	1821010	\$14,000
220	1831010	\$10,200
220	1861010	\$ 5,000

and any other adjustments required to the ID Accounts in the General Fund 110.

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Director of Budget and Management and the Erie County Comptroller.

(6-0)

17. COMM. 10E-52
 COUNTY EXECUTIVE

WHEREAS, the Heise-Brookhaven Sewage Works Corporation, the Town of Clarence and Erie County Sewer District No. 5 have identified the need to develop agreements to address the environmental concerns and to reduce operating costs of County District No. 5’s and Spaulding Lakes treatment plants.

NOW, THEREFORE, BE IT

RESOLVED, that the execution of agreements between the County, on behalf of Erie County Sewer District No. 5, and the Heise-Brookhaven Sewage Works Corporation and the Town of Clarence for the purpose of sanitary sewer service, be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management.

(6-0)

RAYMOND K. DUSZA
CHAIRMAN